

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested. Claims 1, 3, 4, 13, and 15, 16, and 18-21 are pending and Claims 1, 13, 18, 19, and 21 are amended by the present amendment. Support for the amendments is found at least in the originally filed specification at page 11, lines 5-13, page 14, lines 11-20, and Figure 5. Thus, no new matter is added by this amendment.

Initially, Applicants note that provided with the outstanding Office Action of May 16, 2005, was a form PTO-1449 corresponding to an Information Disclosure Statement (IDS) filed February 23, 2005. The outstanding Office Action asserts that the Information Disclosure Statement originally filed on February 23, 2005 does not comply with 37 C.F.R. § 1.97, 1.98 and MPEP § 609. Applicants respectfully disagree.

Applicants filed the Zivadinovic reference with a copy of the European Search Report identifying the Zivadinovic reference as a category "X" reference in the IDS filed on February 23, 2005. The IDS was filed before the first Office Action, thereby, not requiring a certification nor a fee according to 37 C.F.R. § 1.97(a)(b). Furthermore, 37 C.F.R. § 1.98(a), (a)(3)(i) were complied with when Applicants filed the English language European Search Report as the Statement of Relevancy. Once the minimum requirements of 37 C.F.R. § 1.97 and 37 C.F.R. § 1.98 are met, the Examiner has an obligation to consider the information.¹

If there is another reason for which the Examiner finds the IDS noncompliant, Applicants request the reason be explained more clearly. For the Examiner's convenience, a copy of the IDS filed on February 23, 2005, the European Search Report, reference AW, and the filing receipt are provided herewith. Applicants respectfully request confirmation of consideration of reference AW cited on the noted IDS be provided by returning a new initialed form PTO-1449 indicating consideration of reference AW.

¹ See MPEP § 609 (III)(A)(3).

In the outstanding Office Action dated December 15, 2005, Claim 18 was rejected under 35 U.S.C. § 102(e) as being anticipated by Luo et al. (U.S. Patent No. 6,216,158, hereinafter “Luo”); Claims 1, 13, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Luo as applied to Claims 1 and 13 in view of Russel (U.S. Patent No. 5,729,220).

In response to the rejection of Claim 18 under 35 U.S.C. § 102(e), Applicants respectfully request reconsideration of the rejection in light of amended Claim 18.

In order to improve the operability and ease of use of an information processing device such as a personal computer, the invention as described in Claim 18 removes the conventional obstacle of requiring a serial interface to be installed between a portable telephone and the personal computer when a user desires to operate functions remotely from the portable telephone.² In order to achieve the desired result, an embodiment of the invention as described in Claim 18, recites:

A remote controller terminal comprising:

a wireless telephone configured to perform communication via a wireless telephone network, said wireless telephone including a wireless communication system including a microphone, an EEPROM, a jog dial, a plurality of operation keys, a display, a signal processing unit, a radio interface, a microphone, a speaker, a transmitter, a receiver, all operably connected to a central processing unit, a first antenna and a second antenna;

said wireless telephone further including an operation means for entering a command for displaying a menu item of said remote controller terminal, and for entering a command for requiring a function item of said information processing device and for selecting the function item from among a plurality of function items, and

control means for controlling said wireless communication system to send a first command for requiring said function item and sending a second command for requiring further information of said function item according to operation of said operation means,

² Specification, page 1, line 13 to page 2, line 8.

wherein said second antenna is operably connected to said transmitter and said receiver in order to perform communication with said wireless telephone network,
wherein said first antenna is operably connected to said radio interface to form a part of the wireless communication system in order to perform wireless communication with an information processing device,
wherein said signal processing unit and said radio interface are controlled by said central processing unit.

In contrast to amended Claim 18, Luo does not describe a wireless telephone including a first and second antenna as claimed. Luo is directed to a device that uses a palm-sized computer that performs control over applications on a computer. Luo's palm-sized computer does not have a first and second antenna as described in Claim 18. Moreover, Luo does not describe a second antenna operably connected to a transmitter and a receiver to perform communication with a wireless telephone network and does not describe a signal processing unit and a radio interface both controlled by the same central processing unit as described in Claim 18. Accordingly, it is respectfully submitted that amended Claim 18 patentably defines over Luo. For substantially the same reasons as discussed with regard to amended Claim 18, it is respectfully submitted that independent Claims 1 and 13 also patentably define over Luo.


With regard to the rejection of Claims 1, 13, and 21 under 35 U.S.C. § 103(a), Claims 1, 13, and 18 are believed to be allowable. The Office Action does not rely upon Russell for the features identified as deficient in Luo. Therefore, as none of Luo or Russell discloses the limitations recited in Claim 18, it is respectfully submitted that Claims 1, 13, and 21 patentably distinguish over the referenced art.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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